



INTERIOR BOARD OF INDIAN APPEALS

Donald Victor Beck v. Bureau of Indian Affairs

8 IBIA 211 (12/03/1980)

Denying reconsideration of:
8 IBIA 210



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DONALD VICTOR BECK

v.

BUREAU OF INDIAN AFFAIRS

: Order Denying Petition for
: Reconsideration
:
: Docket No. IBIA 81-5-DE (Supp.)
:
: December 3, 1980

On November 24, 1980, Donald V. Beck filed a statement with the Board objecting to its dismissal of his appeal from a disenrollment determination rendered by Administrative Law Judge John R. Rampton, Jr., on September 17, 1980. The Board dismissed the foregoing appeal by order dated November 7, 1980, because it was not filed within the limits required by departmental regulations.

Mr. Beck's written objection to the Board's order of dismissal is hereby treated as a formal request for reconsideration of its order of November 7, 1980, pursuant to the provisions of 43 CFR 4.21(c). This regulation provides that "reconsideration of a decision may be granted only in extraordinary circumstances where, in the judgment of . . . an Appeals Board, sufficient reason appears therefor." The Board has carefully reviewed Mr. Beck's petition under the above standard. Extraordinary circumstances are not presented which warrant reconsideration of the Board's prior order.

The requirement that notices of appeal be timely filed has always been regarded as jurisdictional by the Department, and it has been strictly enforced. Lavonne E. Grewell, 23 IBLA 190 (1976); Royalty Smokeless Coal Company, 7 IBMA 306 (1976); Appeal of Harry Claterbos, 10 IBCA 16, 84 I.D. 969 (1977). Accordingly, the Department's rules governing appeals prohibit an appeals board or other officer before whom a proceeding is pending from extending the time in which an appeal may be filed. 43 CFR 4.22(f).

For the above reasons, Mr. Beck's petition for reconsideration of the Board's order of November 7, 1980, is hereby denied. This order is final for the Department.

//original signed

Wm. Philip Horton
Chief Administrative Judge

//original signed

Franklin Arness
Administrative Judge